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DOCKET NO. 1706

JUDGE OWEN

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FOR THE JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

IN RE DORAL FINANCIAL CORP. SECURITIES LITIGATION

Robert I. Fox, etc. v. Salomon Levis, et al., D. Puerto Rico, C.A. No. 3:06-2096 #1

BEFORE WM. TERRELL HODGES, CHAIRMAN, D. LOWELL JENSEN, J.
FREDERICK MOTZ, ROBERT L. MILLER, JR., KATHRYN H. VRATIL,
DAVID R. HANSEN AND ANTHONY J. SCIRICA,* JUDGES OF THE
PANEL

TRANSFER ORDER

Before the Panel is a motion brought, pursuant to Rule 7.4, R.P.J.P.M.L., 199 F.R.D. 425, 435-36 (2001), by the plaintiff in a District of Puerto Rico action to vacate the Panel's order conditionally transferring the action to the Southern District of New York for inclusion in the coordinated or consolidated pretrial proceedings occurring there in this docket. Responding defendants¹ oppose the motion and urge inclusion of the action in the MDL-1706 proceedings.

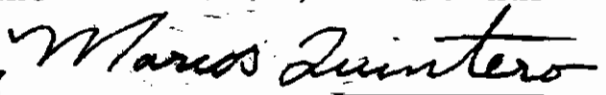
On the basis of the papers filed and hearing session held (without oral argument), the Panel finds that this action involves common questions of fact with the actions in this litigation previously transferred to the Southern District of New York, and that transfer of the action to the Southern District of New York for inclusion in the coordinated or consolidated pretrial proceedings in that district will serve the convenience of the parties and witnesses and promote the just and efficient conduct of the litigation. The Panel further finds that transfer of this action is appropriate for reasons expressed by the Panel in its original order directing centralization in this docket. In that order, the Panel held that the Southern District of New York was a proper Section 1407 forum for actions involving factual questions arising from alleged misrepresentations or omissions concerning Doral's financial condition and its alleged overvaluation of interest only strips – securities that Doral retained when it securitized and sold certain mortgages. See *In re Doral Financial Corp. Securities Litigation*, 398 F.Supp.2d 1369 (J.P.M.L. 2005). The pending motion to remand the action to state court, as well as any other pretrial motions, can be decided by the transferee judge. See, e.g., *In re Ivy*, 901 F.2d 7 (2d Cir. 1990); *In re Prudential Insurance Company of America Sales Practices Litigation*, 170 F.Supp.2d 1346, 1347-48 (J.P.M.L. 2001).

A CERTIFIED COPY

J. MICHAEL McMAHON,

CLERK

BY



DEPUTY CLERK


* Judge Scirica took no part in the decision of this matter.

¹ Doral Financial Corp. (Doral), PriceWaterhouseCoopers, LLP, Edgar M. Cullman, Jr., John L. Ernst, Richard F. Bonini, and Harold D. Vicente.

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IT IS THEREFORE ORDERED that, pursuant to 28 U.S.C. § 1407, this action is transferred to the Southern District of New York and, with the consent of that court, assigned to the Honorable Richard Owen for inclusion in the coordinated or consolidated pretrial proceedings occurring there in this docket.

FOR THE PANEL:

A handwritten signature in black ink, appearing to read "Wm. Terrell Hodges", written over a horizontal line.

Wm. Terrell Hodges
Chairman